



Application Number: LU/12108

Our File Reference Number: Erf 15704, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [REDACTED]

Sir/Madam

APPLICATION FOR PERMANENT DEPARTURE AND CONSENT USE ON ERF 15704, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:

That the following application in terms of Sections 15(2)(b) and 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 15704, Stellenbosch, namely:

- 2.1 **Permanent departure** from the provisions of the Zoning Scheme to allow a coverage of 84.1% in lieu of the approved 80.7% in terms of Section 15(2)(b), of the said By-Law
- 2.2 **Consent Use** to allow for a Tourist Accommodation Establishment with a cafeteria as ancillary use in terms of Section 15(2)(o), of the said By-Law.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to the following conditions of approval in terms of Section 66 of the said Bylaw:

3. Conditions of approval:

- 3.1 The approval applies only to the application in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

3.2 The cafeteria may only provide meals and related services to the tenants of the residential units located on the subject property and not the public in general;

3.3 A Service agreement be signed with the Directorate: Infrastructure Service before any building plans are submitted, that this agreements conditions form part of the approval and that the conditions noted in the Service Agreement be complied with prior to the occupation certificate being issued for the cafeteria;

3.4 Building plans be submitted for approval by the Municipality that comply with the approved Site Development Plan, attached as **Annexure B**, Drawing No: 15704-03-2021, Pages 1- 6;

3.5 Application must be made for the relevant business license for a Certificate of Acceptability for food premises in terms of Regulation R962 dated 23/11/2012 promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, No 54 of 1972.

4. The reasons for the above decision are as follows:

4.1 The locality of the property on a main collector road will ensure that any impact that the proposal has on its surroundings are minimal.

4.2 The proposed development will contribute to local economic growth and job creation as a number of temporary and permanent employment opportunities are expected to be created during construction and the operational phase of the development.

4.3 The proposal is consistent with the provisions and proposals of the MSDF as the property is situated within the urban edge and delineated by the SDF for urban development. The MSDF recognises that sensitive densification of existing residential properties needs to be promoted and that diversified land uses should be encouraged within existing urban areas.

4.4 The proposed cafeteria will have no impact on the scale of the existing development as this building is a loose standing single storey building which is located within the building lines applicable to the subject property and it will be setback far enough from the streets to have no impact on the existing streetscape.

4.5 The additional land use being applied for is residential in nature and will diversify the existing land uses ensuring that the property can be used optimally.

5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

6. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:
 - (a) The personal particulars of the Appellant, including:
 - (I) First names and surname;
 - (II) ID number;
 - (III) Company of Legal person's name (if applicable)
 - (IV) Physical Address;
 - (V) Contact details, including a Cell number and E-Mail address;

 - (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.

 - (c) The grounds of the appeal which may include the following grounds:
 - (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);

 - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.

 - (d) whether the appeal is lodged against the whole decision or a part of the decision;

 - (e) if the appeal is lodged against a part of the decision, a description of the part;

 - (f) if the appeal is lodged against a condition of approval, a description of the condition;

 - (g) the factual or legal findings that the appellant relies on;

 - (h) the relief sought by the appellant; and

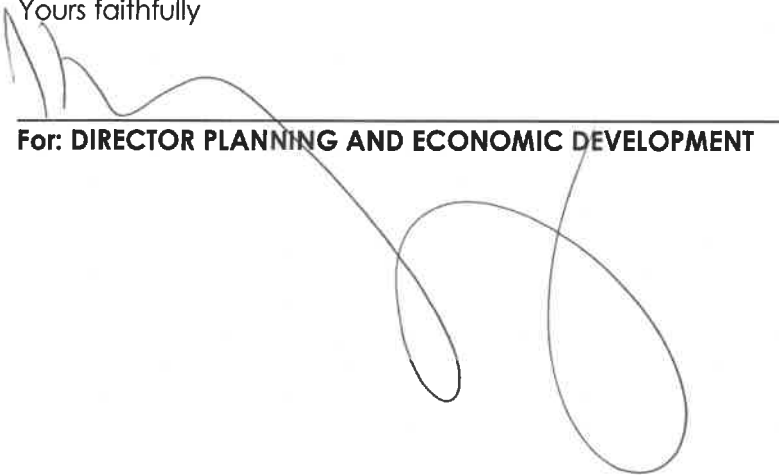
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
 - (j) That the appeal includes the following declaration by the Appellant:
 - (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.
7. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address:
landuse.appeals@stellenbosch.gov.za
8. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
9. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
10. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
- (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.

(d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.

11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

12. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

For: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

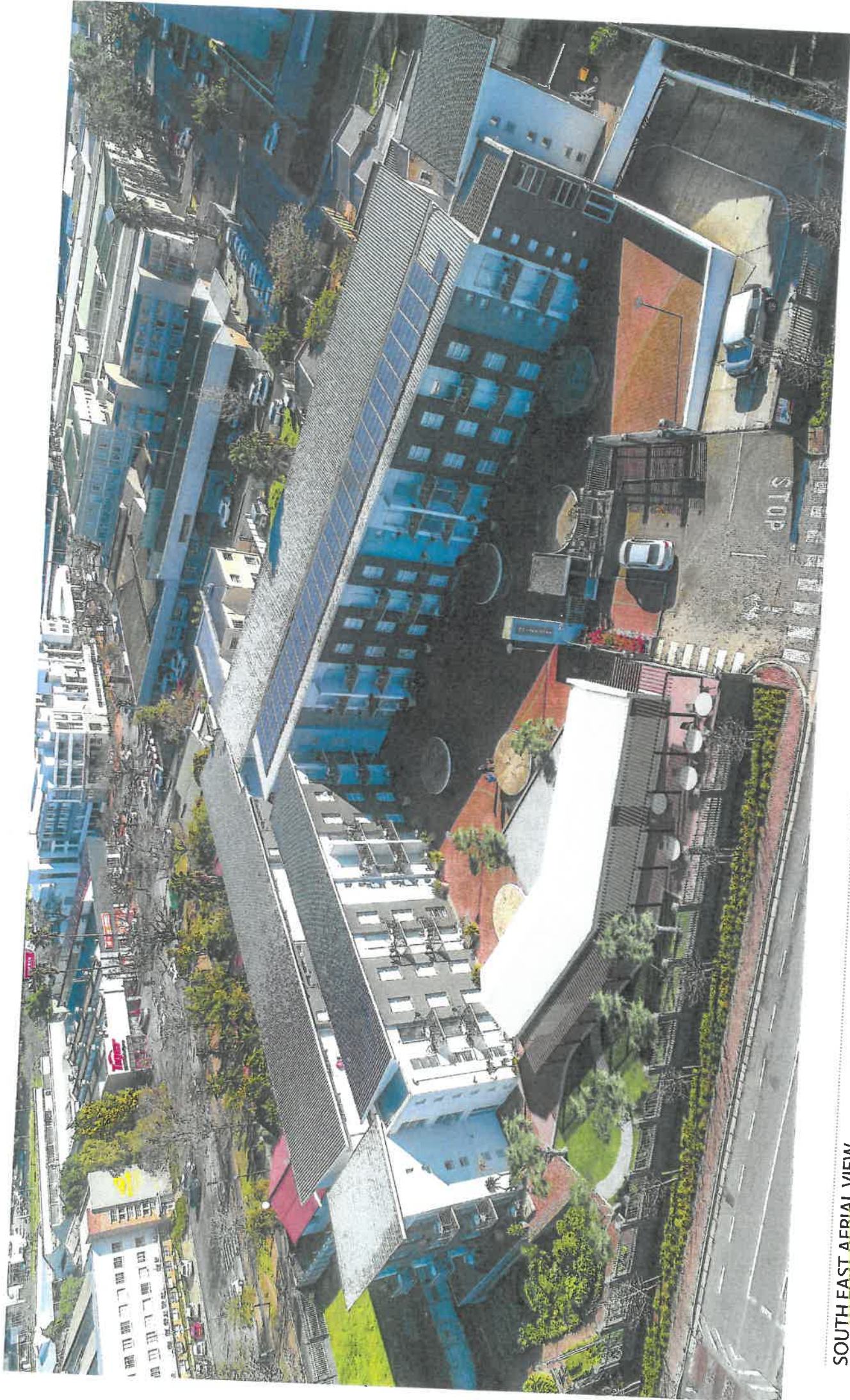
8/9/2021
DATE:



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE B



SOUTH EAST AERIAL VIEW

PROPOSED CANTEEN - ADDITION TO EXISTING APARTMENT BUILDING | ERF 15704 STELLENBOSCH
SDP SUBMISSION 7/08/2020

Drawing No: 15704-03-2021

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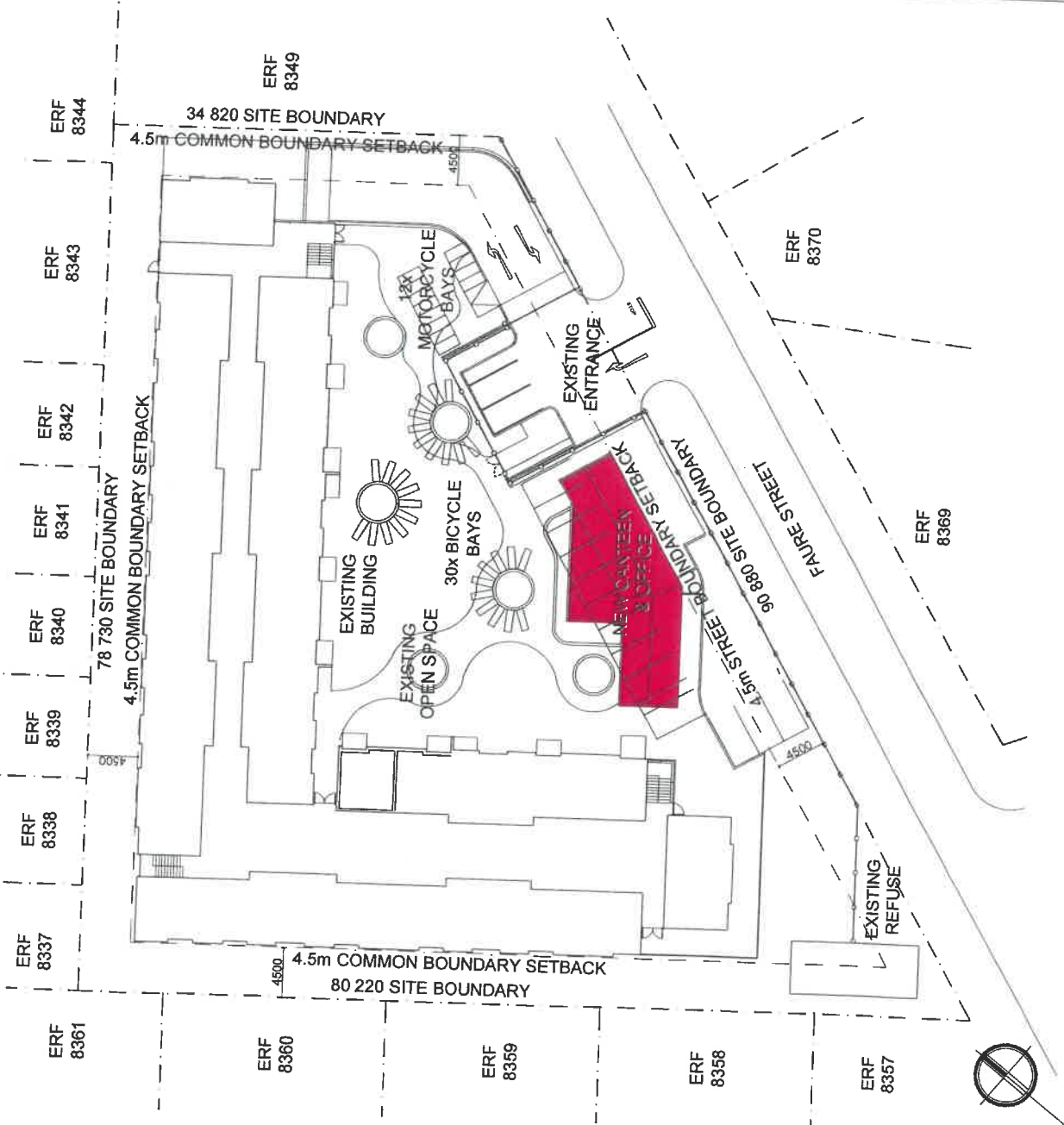
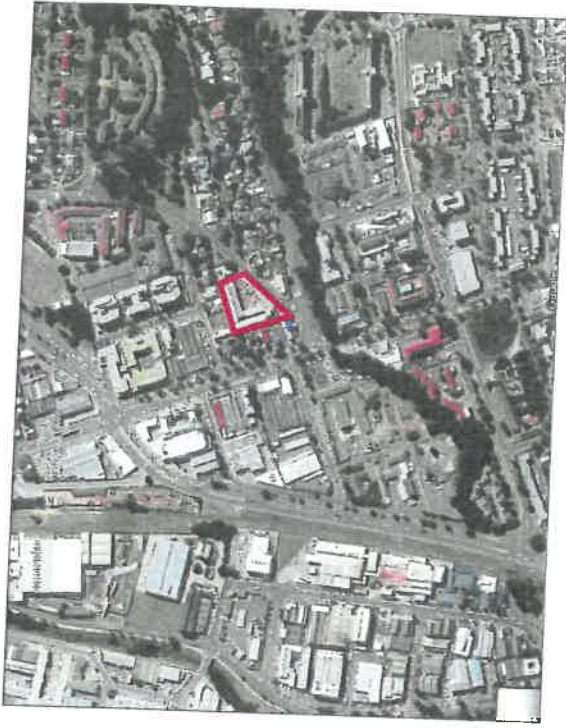


SOUTH WEST VIEW

PROPOSED CANTEEN - ADDITION TO EXISTING APARTMENT BUILDING | ERF 15704 STELLENBOSCH
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DEVELOPMENT SUMMARY

SITE AREA:	4 528m ²
ZONING:	MULTI-UNIT RESIDENTIAL
MAX COVERAGE:	50% - 2 264m ²
EXISTING COVERAGE:	34.8% - 1 574m ²
MAX BULK:	75% - 3 396m ²
EXISTING BULK:	80.7% - 3 658m ²
NEW COVERAGE:	3.4% - 155m ²
TOTAL COVERAGE:	38.2% - 1 729m ²
NEW BULK:	3.4% - 155m ²
TOTAL BULK:	84.1% - 3 813m ²
EXISTING 1 BED UNITS:	75
EXISTING 2 BED UNITS:	27
TOTAL EXISTING UNITS:	102
PARKING REQUIRED:	130 BAYS
EXISTING BAYS:	135 BAYS
REMOVED BAYS:	13 BAYS
REMAINING BAYS:	122 BAYS
NEW BAYS:	8 BAYS

SITE PLAN (NOT TO SCALE)

PROPOSED CANTEN - ADDITION TO EXISTING APARTMENT BUILDING | ERF 15704 STELLENBOSCH
SDP SUBMISSION 05/03/2021

ERF 8361

ERF 8360

ERF 8359

~~ERF 8358~~

ERF 8349

34 820 SITE BOUNDARY

4.5m COMMON BOUNDARY SETBACK

78 730 SITE BOUNDARY

4.5m COMMON BOUNDARY SETBACK

EXISTING BUILDING

EXISTING OPEN SPACE

30x BICYCLE BAYS

12x MOTORCYCLE BAYS

4.5m STREET BOUNDARY SETBACK

80 220 SITE BOUNDARY

4.5m STREET BOUNDARY SETBACK

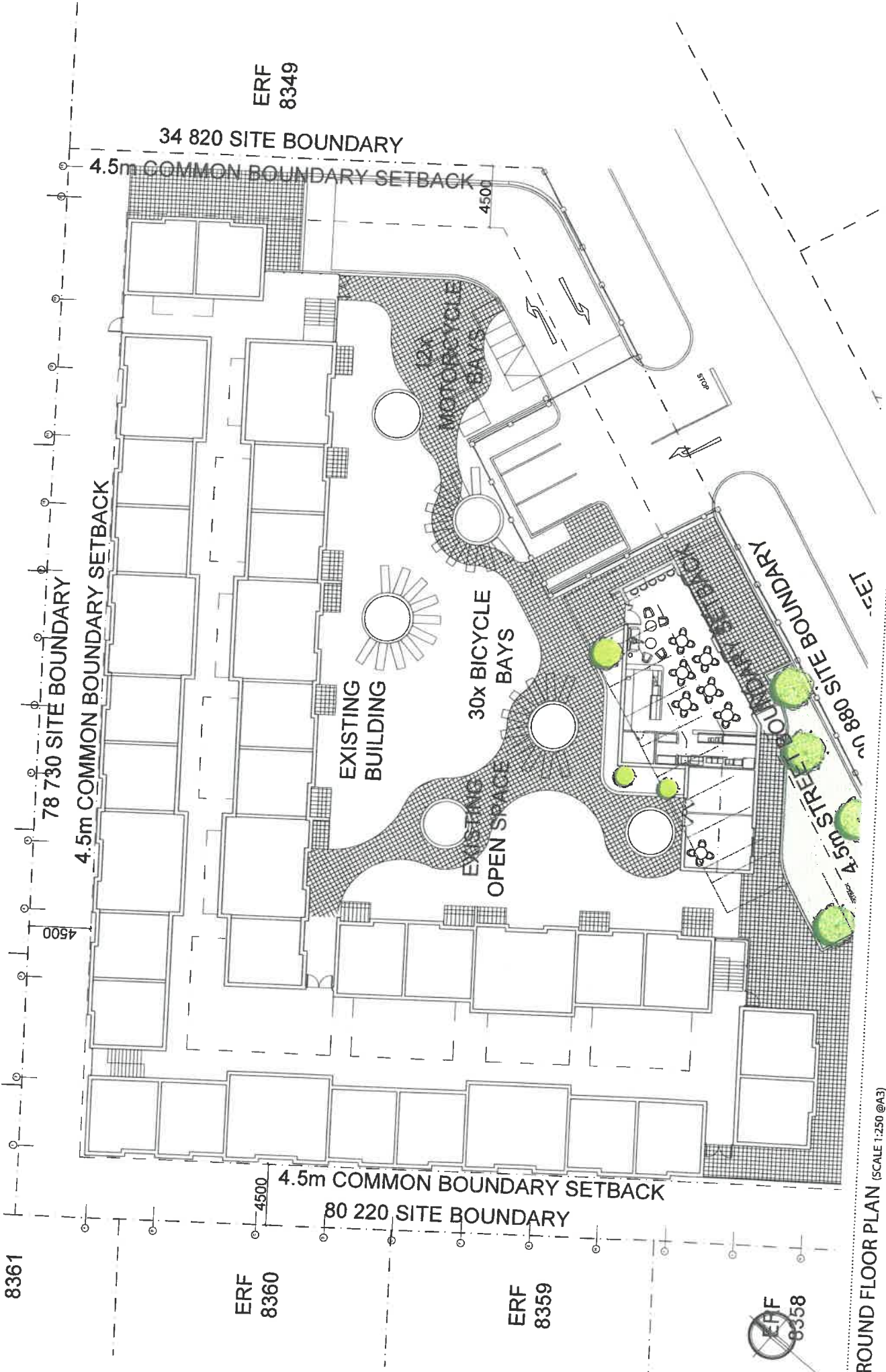
80 220 SITE BOUNDARY

GROUND FLOOR PLAN (SCALE 1:250 @A3)

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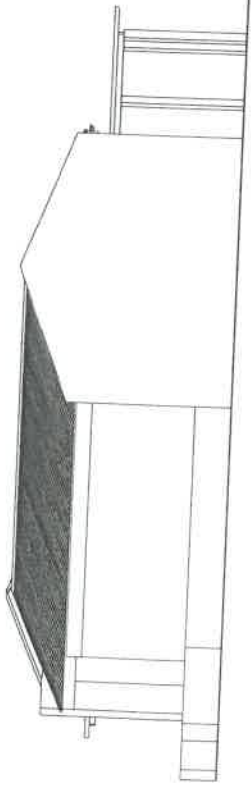
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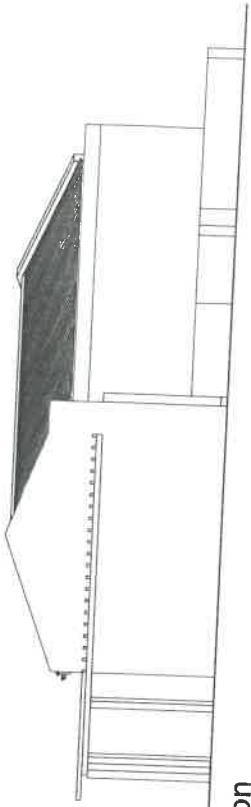


CANTEEN GROUND FLOOR PLAN (SCALE 1:100 @A3)

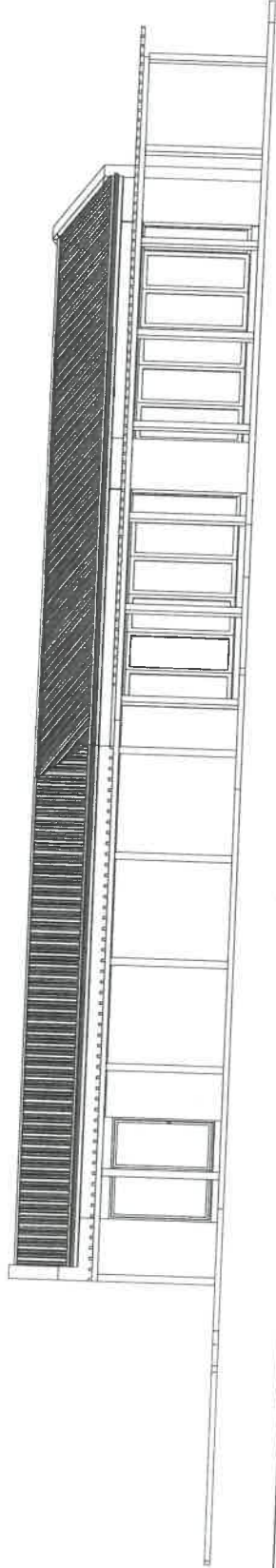
PROPOSED CANTEEN - ADDITION TO EXISTING APARTMENT BUILDING | ERF 15704 STELLENBOSCH
 SDP SUBMISSION 17/08/2020



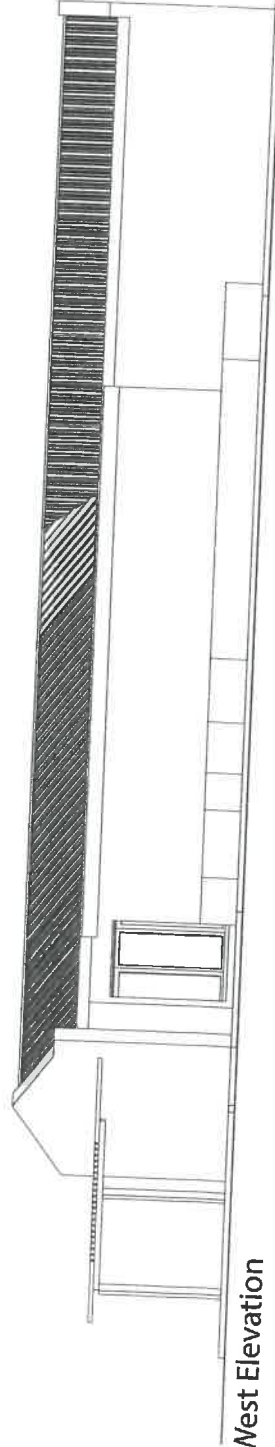
South West Elevation



North Elevation



South East Elevation



North West Elevation

ELEVATIONS (SCALE 1:100 @A3)

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